



ITEM SUMMARY

MEETING DATE: April 7, 2025

FROM: Denise Malone, AICP, Development and Neighborhood Services Director

SUBJECT: **Ordinance 2025-04 – ZTA-25-02 – First Reading**
Supplemental Regulations & Night Clubs

BACKGROUND

This City-initiated request for a Zoning Text Amendment (ZTA) has been brought forth to define Live Entertainment as an accessory to primary commercial uses and Nightclub; revise the definitions for restaurants under Article I, In General; clarify permitted uses under Article III, District Regulations; and clarify the standards and criteria associated with Live Entertainment Permits and Mobile Food Dispensing Vehicles under Article IV, Supplementary District Regulations. The objective is to ensure establishments within the City operate within the limits of their permitted primary use and in a manner that protects the public health, safety, and welfare, and maintains City character.

ANALYSIS

LIVE ENTERTAINMENT

Code revisions were approved in 2022, to acknowledge and allow for Live Entertainment with an approved Live Entertainment permit. Currently, Live Entertainment is interpreted as an accessory to principal commercial establishments like restaurants, bars, and lounges, involving live performances with amplified or non-amplified sounds indoors or outdoors. Concerns have arisen regarding businesses operating without a Live Entertainment permit and/or beyond requirements such as permitted hours, changing their primary use to a nightclub, and raising safety issues for residents, the Palm Beach County Sheriff's Office (PBSO), and Fire Rescue. The proposed revisions seek to provide further clarity of regulations and define Live Entertainment to balance community desires with safety concerns.

NIGHTCLUB

Nightclubs which are currently prohibited are distinct from accessory Live Entertainment, as they are primary entertainment venues typically operating late at night with dancing, music, and performances, where food and drink are secondary. This revision continues to prohibit nightclubs in all zoning districts within the City and further clarifies that a Live Entertainment permit does not allow for nightclub activity. The amendment further provides criteria to determine whether an establishment is considered a nightclub.

RESTAURANTS

The definition of a Restaurant is clarified to address live entertainment as an accessory use with incidental sale or service of alcoholic beverages. This revision addresses concerns about restaurants that serve alcohol converting into nightclubs, especially after closing their kitchens and operating after approved the hours of operation of 2:00 am.

MOBILE FOOD DISPENSING VEHICLES

To accommodate expanding service patterns and modern business models, this revision aims to revise the standards related to parking; recognize Mobile Vendors not using a Mobile Food Dispensing Vehicle; and establishes standards for Mobile Food Dispensing Vehicles operating within the common area of residential developments. This revision aims to support diverse economic opportunities across businesses.

These changes directly align with the goals, objectives, and policies of the City's Comprehensive Plan, particularly its Economic Development Element, which aims to achieve a balanced, diversified, and sustainable economic structure that maximizes long-term economic growth. The Planning and Zoning Board of Appeals recommended approval by a vote of 4-0 at their meeting on March 13, 2025.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2025-04 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed for legal sufficiency.

STAFF RECOMMENDATION

Approval of ZTA 25-02 through Ordinance 2025-04.